

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER D. BRACKETT,

Defendant.

8:13CR420

ORDER

On January 23, 2015, a jury found Christopher D. Brackett (“Brackett”) guilty of three crimes related to his transportation, production, and possession of child pornography after having been convicted of an offense involving the sexual abuse of a minor. *See* 18 U.S.C. §§ 2252A(a), 2251(a), and 2252(a)(4)(B). The Court sentenced him to 360 months imprisonment followed by 240 months of supervised release. Brackett appealed his conviction, challenging the denial of his motion to suppress and his mid-trial motion for a hearing pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978). Brackett’s appeal was denied.

Now before the Court is Brackett’s pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Filing No. 151). Brackett contends his retained legal counsel was unconstitutionally ineffective in several respects. Brackett further contends his counsel’s failure to turn over Brackett’s client file has left Brackett “stuck in the dark in his feeble effort to put together his motion under § 2255.”

Under Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts, the Court must complete an initial review of Brackett’s § 2255 motion. Unless “it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief,” the Court must order

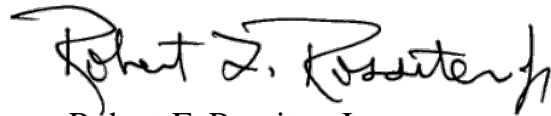
the United States Attorney to respond to the motion or “take other action the judge may order.” *Id.*

Having completed the required review, the Court has determined the United States Attorney should file an answer or other response to Brackett’s motion on or before July 6, 2018.

IT IS SO ORDERED.

Dated this 6th day of June, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge